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Debra McDougall
University of Western Australia

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State Society and Governance in Melanesia Program
ANU College of Asia and the Pacific
The Australian National University
Canberra ACT 0200
Tel: +61 2 6125 8394
Email: ssgm@anu.edu.au

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Debra McDougall

University of Western Australia

Over the past decade, RAMSI has stabilized the state in Solomon Islands, but many basic problems of governance remain. Among the most pressing is the failure of the state to effectively engage with and deliver services to the rural people who comprise the majority of the population. Since the colonial era, underfunded administrations have struggled to govern these geographically dispersed islands, but many ordinary citizens and public servants feel that subnational government functioned better twenty or thirty years ago than it does today, even after ten years of intensive statebuilding. Frustration about failure of subnational government is felt widely and deeply in Solomon Islands, but recent attempts to address this failure, which have included a dramatic expansion of development funds administered directly by Members of Parliament, have arguably made the situation worse.

Such challenges were the focus of a roundtable discussion held during the "Solomon Islands in Transition" workshop at the Australian National University (4-6 November 2013) with senior Solomon Islands public servants and academics from Solomon Islands, Australia, New Zealand, and beyond. A core message that emerged from that conversation was that in this critical period of transition, the most important thing that the Australian government and other members of the international community can do is help Solomon Islanders reverse a recent history of defunding and dismantling the institutions of subnational government.

Daily challenges

Some of the most intractable problems of sub-national governance are relatively simple in nature. They include a lack of access to reliable transportation, understaffing, and the centralization of key staff positions and institutional functions in Honiara. Participants in the roundtable noted that it was easier for medical personnel, magistrates, and police to tour before a government marine unit was eliminated in the 1990s because that unit allowed different departments to share fuel costs and travel by the marine unit's small ship rather than inefficient motorized canoe. Acquisition of supplies also became more difficult with the elimination of subtreasury offices in the late 1990s. In theory, supplies like stationary and fuel are regularly provided from Honiara, but supplies often run short and delays are frequent. Acquiring non-recurrent supplies can take months. If a police outboard motor is missing a spark plug, for example, the officer in charge must request it directly from the Ministry of Police in Honiara, which requests funds from the

National Treasury, which often takes more than two weeks to respond before the spark plug can be purchased and shipped. Such are everyday frustrations for public servants in the provinces.

Like transportation, understaffing is a perennial problem in all government departments. This is nowhere more noticeable than in the justice system. As former Deputy Chief Magistrate Emma Garo pointed out, the Solomon Islands has only seven magistrates to serve some 46 court circuit centers in nine provinces, and four of those seven are based in Honiara. Only one province (Malaita) has a principle magistrate who can hear cases independently; the others rely on visits from Honiara-based principle magistrates during regular circuit tours, which are frequently cancelled when a magistrate is unavailable (see Allen et. al 2013: 50 for an example from Isabel Province). Staff shortages challenge the court even in Honiara: in late 2013, the country's Chief Magistrate revealed that acute staff shortages may force even the Honiara Magistrate's Court to shut temporarily (Buchanan 2013). Attempts to recruit more magistrates have been unsuccessful because pay and conditions are not attractive to talented professionals.

The police and justice sectors have been a major focus of RAMSI's state building efforts. Permanent Secretary of the Ministry of Police Edmond Sikua highlighted the urgent need for more extensive police engagement with local communities. He suggested that the most serious challenge to policing is the absence of a functional court systems on the local level. Even if police could respond effectively to complaints, without access to justice through the courts, people become frustrated and may take the law into their own hands. Emma Garo noted that almost all of RAMSI's efforts in the justice system have been focused on high-profile criminal cases. Reform efforts have been a 'miserable failure' in terms of connecting people with the justice system. When conflicts exceed the capacity of local church or customary leaders to solve and disputants do not have the means to access higher level courts, they have the potential to become violent.ⁱ

The dismantling of subnational government and the rise of constituency development funds

Many discussions of subnational government today are focused on two controversial issues: the need for constitutional reform and the growth of constituency development funds. While such discussions are important, they may divert attention away from the more basic problem. In the years preceding the ethnic tensions, existing institutions of subnational government were systematically defunded and dismantled.

On paper, Solomon Islands has a system of government that can link rural people to the state. The Provincial Government Act of 1981, as revised in 1997, provides the legislative basis for provincial government and empowers provincial government to create local-level government, which took the form of Area Councils. The Solomon Islands has a three-tier legal system comprised of a Court of Appeal, a High Court, and magistrates courts. Local courts, which evolved out of colonial era native courts, are informal courts with limited criminal and civil jurisdiction that are supposed to be the initial entry to the justice system for ordinary villagers. In practice, however, none of the lower levels of the legislative, executive, or judicial systems have been functioning since the 1990s.

The demise of local-level government and courts cannot be understood outside of the explosion of logging on customary land that began in the 1980s and has continued to the present. Logging related land disputes and applications for timber rights quickly overwhelmed the limited capacity of local courts and local area councils. Instead of seeking to strengthen these institutions, in the mid-1990s, national politicians essentially dismantled them with the support of a donor community focused on eliminating government waste. Area councils were defunded in 1993 and disbanded between 1996 and 1997. Local courts still exist around the country and are allocated funding in the national government, but almost none ever meet to hear cases.

Provincial government could provide the link between rural people and the national state, but relationship between provincial and national government has never been clear or consistent (Cox and Morrison 2004). Constituents often expect provinces to deliver services for which they are not responsible; many functions that provinces are tasked with undertaking are inadequately funded. In our discussion, James Habu (Premier of Isabel Province) and Jackson Kiloe (Premier of Choiseul Province) argued that members of the Provincial Assembly are close enough to the people to know what they expect, but the Provincial government rarely has the funds to meet those expectations.ⁱⁱ As with other aspects of subnational governance, Provinces have not returned to levels of capacity they enjoyed prior to the civil crisis of 1998-2003, when a cash-strapped national government slashed annual grants to the Provinces and closed provincial substations of national ministries.

The declining capacity of subnational government has been accompanied by the increasing importance of funds administered directly by Members of Parliament, now called Constituency Development Funds (CDF) (Fraenkel 2010). Prior to the 1993 national elections, Prime Minister Solomon Mamaloni granted each Member of Parliament SBD \$100,000 as a “special discretionary fund”; these discretionary funds grew steadily under the governments of Hilly, Mamaloni, and Ulufa’alu. The funds dipped sharply after the 2000 coup, but

has grown dramatically since 2003, financed primarily by Taiwan. During his second term in 2006-7, Manaseh Sogavare expanded the CDF to nearly \$1 million for each of the country's 50 constituencies, framing it as a general model of service delivery (Fraenkel 2010: 311-315). In March 2013, the Lilo government passed a bill that formalized the management of CDF and laid the ground for a further dramatic increase to nearly \$6 million per constituency.

Some within the donor community view CDF as a form of corrupt patronage politics, a mechanism that allows politicians to buy votes at election time with cash, bags of rice, and roofing iron. While politicians do use the money to secure votes, low rates of incumbent success suggest the strategy is not effective.ⁱⁱⁱ Some Members of Parliament use the funds to provide important, but otherwise unavailable, services—modest support for hospitalized constituents, school fees, canoes and outboard motors, housing materials, and seed money for small-scale development projects. Such positive results do not, however, justify the recent expansion of CDFs from a small discretionary fund to a primary path for service delivery. This expansion is problematic for several reasons.

First, an expanded CDF arguably breaches the constitutionally-mandated separation of legislative and executive powers by giving the MP direct responsibility for executing the function of the state that he has also legislated. The judiciary remains formally independent, but Emma Garo pointed out that if magistrates must request funds from Members of Parliament to undertake a circuit court in provincial regions, the independence of the judiciary is also compromised.

Second, CDF funds tend to benefit individuals and families rather than communities, arguably undermining investment in public goods and exacerbating inequality in rural areas. One participant observed that in her home village, since CDF funds have been used to purchase iron roofing and water tanks for individual households, the village water supply has fallen into disrepair. This outcome is not necessarily the fault of MPs; we know of several MPs who have tried to use CDF funds for large projects that would benefit communities rather than individuals or families, but have found that such projects are less appealing to constituents than smaller, individualised handouts.

Finally, the apparent efficiency of CDF as a mechanism for service delivery is an illusion. Outsiders may imagine that CDF money is distributed by Members of Parliament on regular visits to rural constituencies, but anyone who has lived in a village very long knows that this is rarely the case. Instead, villagers must make the expensive journey to Honiara and then wait for weeks to see their MPs. Sometimes transportations costs are nearly equal to the funds

requested. Other costs include the loss of productive labor in rural villages and the burden to urban families who must support their rural kin while they wait to see the MP or get their CDF money or goods. The costs of administering the CDF are extremely high but invisible because they are borne by rural people not the state.

The 2013 Constituency Development Funds Bill aimed to formalized the processes through which a greatly increased CDF would be disbursed. Each constituency is to have a Constituency Development Officer (CDO) and to compile a Constituency Development Plan. Those opposed to the act have pointed out that power remains entirely in the hands of the MP, who approves plans and appoints the CDO. In response to such criticism, the government has revised the legislation to provide for the establishment of Constituency Development Committees, not just officers and plans. It is not yet clear, however, how these committees will be chosen, whether they will be broadly representative, or how 50 Constituency Development Plans will be coordinated with the overall National Development Plan. The form of constituency-level administration that is now being implemented in the name of accountability promises to be as inefficient as earlier forms of local government like Area Councils, but without any semblance of democratic representation.

Solutions

Despite widespread popular demand for political decentralization, the post-colonial era has seen strong interests collude to concentrate money and power in Honiara. Responsibility for the problem lies not only with Solomon Islands politicians, who are frequently derided by local people and outsiders alike for greed and corruption. Nor does it lie entirely with rural constituents, who tend to put individual interests above the national good. Donors and international partners must also take some responsibility for the situation, insofar as they encouraged downsizing and centralization in the name of efficiency in the 1990s. Moreover, donors have sometimes sought to bypass the national ministries and provincial governments in efforts to work more directly with rural communities. Such approaches have helped to suck capacity away from the state, especially those branches of the state that are closest to rural people.

Rather than seeking to bypass existing state institutions, international actors should seek to work through existing national ministries, help re-invigorate existing provincial governments, and assist in re-instating some form of democratic government on the local level. Only if the basic institutions of the state are strengthened on the subnational level can public servants do their jobs and serve rural people. Some efforts have been undertaken, notably through the UNCDF/UNDP Provincial Government Strengthening Program,

though such programs often seem to flounder insofar as they focus on building the capacity of actors within the system, rather than addressing the structural problems that make it impossible for capable individuals to do their jobs.

While solutions to these serious challenges will require far more consultation, as a starting point, the following suggestions emerged from our discussion:

- As a matter of urgency, the justice system must be expanded so that ordinary people have access to local or magistrates courts. While informal structures of justice within rural communities are remarkably functional in the absence of any courts or policing, they are currently at a breaking point.
- In order to further expand policing into rural areas, area constables or some other form of intermediary should be re-introduced on a ward level to help translate local concerns to government actors and government agendas to local communities.
- Consideration should be given to the re-introduction of some form of constituency-level representative bodies that could engage not only with the Member of Parliament (as Constituency Development Committees are now supposed to do under the new CDF legislation) but also with the provincial government, national ministries, and external actors.
- Subtreasury units of national ministries should be re-instated to facilitate the functioning of all sectors of government in provinces.

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ⁱ Sikua and Garo discuss justice and policing post-RAMSI with Sinclair Dinnen in an ANU College of the Asia and the Pacific podcast here:
<http://ips.cap.anu.edu.au/news-events/podcasts/justice-and-policing-solomon-islands-post-ramsi> (accessed 14 December 2014).

ⁱⁱ Habu and Kiloe discuss Provincial Government after RAMSI in more detail with Sinclair Dinnen in an ANU College of the Asia and the Pacific podcast here:

<http://ips.cap.anu.edu.au/news-events/podcasts/provincial-government-solomon-islands-post-ramsi> (accessed 14 December 2013).

iii Fraenkel (2010) argues that these funds are more important in holding together fragile Parliamentary coalitions than keeping individual Members of Parliament in office. He suggests that the major problem with the CDF and other politician-allocated funding in the region is not that it entrenches clientism on the local level, but that it means that available money that could be for building desperately needed infrastructure are siphoned into these inefficient funds.